


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8159.4-304		FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)
International application No. PCT/US01/01979		International filing date (day/month/year) 22/01/2001		Priority date (day/month/year) 20/01/2000
International Patent Classification (IPC) or national classification and IPC H04H1/00				
Applicant WORLD THEATRE, INC.				
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>				
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 				
Date of submission of the demand 17/08/2001		Date of completion of this report 31.01.2002		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Willems, B Telephone No. +49 89 2399 8954		



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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-62 as originally filed

Claims, No.:

1-27 as originally filed

Drawings, sheets:

1/16-16/16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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- ☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application.
- ☒ claims Nos. 15, 27.

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos. 15, 27.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims 1 - 14, 16 - 26

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	No:	Claims
Inventive step (IS)	Yes:	Claims
	No:	Claims 1 - 14, 16 - 26
Industrial applicability (IA)	Yes:	Claims 1 - 14, 16 - 26
	No:	Claims

2. Citations and explanations
see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Cited documents:

D1 = US-A-5 721 827

D2 = US-A-5 592 511

D3 = US-A-5 619 247

D4 = US-A-5 355 302

2. The subject-matter of claim 1 lacks an inventive step with respect to the disclosure of documents D1 and D2. Therefore, claim 1 does not meet the requirements of Article 33(3) PCT.

Document D1 discloses a system for distributing music selections to customer households comprising:

a data transmission system blanket transmitting a plurality of music selections to customer households in digital form faster than real time speeds (c 4, l 21 - 27, c5, l20 - 28);

a user station (subscriber audio player) comprising:

means to permit the customer household to preselect desired transmitted selections for playback (c7, l 13 - 21);

a receiver and associated high capacity storage medium for storing music selection is digital form (c3, l 4 - 9);

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a removable media read/write device (c6 , l 32 - 35);

a central controller having a database storing an address corresponding to each customer household (c 5, l 9 - 13);

a communications link between customer households and the controller system (c4, l 3 - 13); and

a billing system associated with the central controller system for receiving music play back or recording information from customer households via the communication link and billing the customer households for the privilege of playing back music selections from the high capacity storage medium (c6, l 1 - 9).

The subject-matter of claim 1 differs from the disclosure of document D1, in that the former further specifies copying files from the mass storage medium onto a removable recording medium.

However, copying down loaded music files onto a CD is well known and charging for the copy is known from document D2, column 2, line 56 to column 3, line 47. The skilled person would inevitably try to provide for the copying of the locally stored music files in the apparatus known from document D1.

Thus, the subject-matter of claim 1 is rendered obvious by the disclosures of documents D1 and D2.

3. The subject-matter of claims 2 to 14 lacks an inventive step with respect to the disclosure of documents D1 and D2. Therefore, claims 2 to 14 do not meet the requirements of Article 33(3) PCT.

The additional features of claims 2 and 3 are known from document D2.

The additional features of claims 4 to 8 are known from document D1, column 5, lines 29 to 67.

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The additional feature of claim 9 is rendered obvious by document D1, column 5, lines 7 to 19.

The additional feature of claim 10 is rendered obvious by the advertising disclosed in document D1.

Claim 11 further specifies an obvious design detail.

The additional feature of claim 12 is rendered obvious by document D2.

The additional feature of claim 13 is known from document D1, column 3, lines 62 to 64.

Claim 14 further specifies an obvious feature of a music distribution system.

4. The subject-matter of claims 16 to 26 lacks an inventive step with respect to the disclosure of documents D1 and D2. Therefore, claims 16 to 26 do not meet the requirements of Article 33(3) PCT.

Claims 16 to 26 specify a method with steps corresponding to the apparatus features of claims 1 to 14. Therefore, claims 16 to 26 are objected to for the reasons set out in points 2 and 3 above.